

# **EXHIBIT**

# **35**

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*Please reply to New Jersey Office*

October 1, 2007

**VIA FEDERAL EXPRESS**

All Counsel on Attached Service List

Re: Travelers Casualty and Surety Company v. Dormitory Authority of the State of New York, *et al.*  
United States District Court, Southern District of New York – Civil Action No. 07-CV-6915

Dear Counsel:

Our firm represents the Plaintiff, Travelers Casualty and Surety Company ("Travelers"), and Third-Party Defendant, Trataros Construction, Inc. ("Trataros") in connection with the above-referenced litigation, arising from a construction project known as Baruch College, Site B, located in the County and State of New York (the "Baruch Project"). Today we received copies of the enclosed Third-Party Complaint, Rule 7.1 Disclosure Statement, and Answer with Affirmative Defenses, Counterclaims, and Cross-Claims, filed by the Dormitory Authority of the State of New York ("DASNY") and TDX Construction Corp. ("TDX").

Please note that DASNY alleges two counts for money damages against Trataros, seeking an alleged **\$20,000,000 (Twenty million dollars)** in damages associated with alleged construction defects, as well as an alleged \$8,000,000 in "delay, disruption and impact" damages. (See, Third-Party Complaint, ¶¶ 52-62.) With respect to the defective construction claim, several paragraphs of the Third-Party Complaint's general allegations set forth the apparent underlying substance of DASNY's claim, discussing purported deterioration, cracking, crumbling, delamination, "blistering" and/or "otherwise defective" work with respect to interior epoxy terrazzo flooring at the Baruch Project. The Third-Party Complaint alleges that the purportedly defective epoxy terrazzo flooring was installed by Trataros and/or G.M. Crocetti, Inc.

Upon information and belief, the claims at issue in this litigation may potentially involve one or more of the following insureds/additional insureds under policies issued by your respective clients:

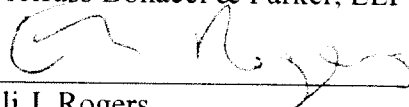
Trataros Construction, Inc.  
G.M. Crocetti, Inc.  
Bartec Industries  
Dormitory Authority – State of New York  
City University of New York  
Baruch College  
TDX Construction Corp.  
Kohn Pedersen Fox Associates, P.C.

Please be guided accordingly.

Thank you for your attention to this matter.

Very truly yours,  
Dreifuss Bonacci & Parker, LLP

By:

  
Eli J. Rogers

EJR/jfb

Enclosure

cc: JoAnne Bonacci, Esq.

**Travelers Cas. and Sur. Co. v. Dormitory Auth. – State of N.Y., et al.**  
United States District Court, Southern District of New York  
Civil Action No. 07-CV-6915

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